



Yellowstone County Zoning Commission Minutes for the Meeting of Monday October 11, 2005

The County Zoning Commission met on Monday October 11, 2005 in the large conference room on the 4th floor of the Parmly Library, 510 North Broadway.

Oscar Heinrich, Chairman, called the meeting to order at 4:02 p.m.

| Commissioners and Staff | | 1/10/05 | 2/14/05 | 3/14/05 | 4/11/05 | 5/9/05 | 6/13/05 | 7/11/05 | 8/8/05 | 9/12/05 | 10/10/05 | 11/14/05 | 12/12/05 |
|-------------------------|--------------------------------|-----------|---------|---------|-----------|--------|---------|-----------|--------|---------|----------|----------|----------|
| Oscar Heinrich | Chairman | CANCELLED | 1 | 1 | CANCELLED | 1 | 1 | CANCELLED | 1 | 1 | 1 | | |
| Jerome Musselman | Vice-Chair | | 1 | 1 | | 1 | 1 | | 1 | 1 | 1 | | |
| Al Littler | Commissioner | | 1 | 1 | | 1 | 1 | | 1 | 1 | 1 | | |
| Joan Hurdle | Commissioner | | 1 | 1 | | 1 | 1 | | 1 | 1 | 1 | | |
| Dennis Cook | Commissioner | | 1 | 1 | | 1 | 1 | | 1 | 1 | 1 | | |
| Nicole Cromwell | Planner II/ Zoning Coordinator | | 1 | 1 | | 1 | 1 | | 1 | 1 | 1 | | |
| Wyeth Friday | Planner II | | 1 | - | | 1 | 1 | | 1 | 1 | - | | |
| Elizabeth Allen | Planning Clerk | | 1 | 1 | | 1 | 1 | | 1 | 1 | 1 | | |

Chairman Heinrich introduced the County Zoning Commission members and staff in attendance:

Nicole Cromwell, Planner II/Zoning Coordinator
Lora Mattox, Planner II
Cindy Wilson, Planner I
Elizabeth Allen, Planning Clerk

ANNOUNCEMENTS:

There were none.

PUBLIC COMMENT

Chairman Heinrich asked if there was anyone else wishing to speak during the public comment portion of the meeting. **Chairman Heinrich** stated that any member of the public may be heard on any subject that is not on the agenda, and that the Yellowstone County

Zoning Commission will not take any action on these items at this time, but could choose to add an item to the next meeting's agenda for discussion.

There were none.

Approval of Minutes:

The Minutes of September 12, 2005 were approved with a 5-0 voice vote with the following changes: Change the date in the header from September 9, 2005 to September 12, 2005.

Public Hearings:

Chairman Heinrich reviewed the rules for the procedure by which the public hearings will be conducted. He said the applications heard at this meeting would be forwarded to the BOCC at their meeting of October 25, 2005.

Item 1: Zone Change #584

Ms. Mattox read the legal description and reviewed the staff report with an overhead PowerPoint presentation for the audience and reviewed the surrounding properties while explaining the existing zoning of the subject property. She said staff is forwarding a recommendation of denial. She explained the reasons for the staff decision.

REQUEST

This is a zone change request from Residential Multi Family to Community Commercial on a 1.64 acre Tract 1 of Certificate of Survey 1706. The property is located at 727 Bench Boulevard. The Planning staff is forwarding a recommendation of denial for this application.

APPLICATION DATA

| | |
|--------------------|---------------------------------------|
| OWNER: | Frank and Jayne Griep |
| APPLICANT: | Frank and Jayne Griep |
| LEGAL DESCRIPTION: | Tract 1 of Certificate of Survey 1706 |
| ADDRESS: | 727 Bench Boulevard |
| CURRENT ZONING: | Residential Multi Family |
| PROPOSED ZONING: | Community Commercial |
| EXISTING LAND USE: | Residential |
| SIZE OF PARCEL: | 1.64 acres |

APPLICABLE ZONING HISTORY

April, 1976: Allow an application to change the use and zone classification of 3.7 acres of land in the NW NW NW ¼ of Section 26, T.1N., R.26E., located at the southeast corner of Yellowstone River Road and Bench Blvd. at 727 Bench Blvd. from Residential 7000 (R – 72) to Residential Multi-Family (RMF). The property is now residential and agricultural with the proposed use being multi-family dwellings and compartmentalized storage

CONCURRENT APPLICATIONS

None

SURROUNDING LAND USE & ZONING

| | | |
|--------|-----------|--|
| NORTH: | Zoning: | Residential 7000 |
| | Land Use: | Residential (northwest is Gainan's Greenhouse) |
| SOUTH: | Zoning: | Residential 6000 |
| | Land Use: | Residential |
| EAST: | Zoning: | Residential Multi Family |
| | Land Use: | Residential |
| WEST: | Zoning: | Residential 7000 |
| | Land Use: | Residential |

REASONS

This is a zone change from Residential Multi Family to Community Commercial on 1.64 acres of land located 727 Bench Boulevard. The property is located on the southeast corner of Bench Boulevard and Hilltop Road (Yellowstone River Road). The purpose of the zoning request is to allow the applicant to construct a Convenience Store on the property. The applicant states that with Bench Boulevard being improved, it will draw increased traffic making it less desirable to have residential development on the subject property. Bench Boulevard and Hilltop Road are designated as Primary Arterials allowing a high level of mobility to provide connections to other roadways and services. This intersection is currently controlled through a 4-way stop.

A convenience store type of development is allowed in Community Commercial, however, the Community Commercial zoning allows for more intense commercial development. Community Commercial zoning allows uses including hotels/motels, financial institutes, eating and drinking establishments without alcoholic beverages. Eating and drinking establishment with alcoholic beverages and gaming are only allowed in the Community Commercial zone by Special Review. The definition of Community Commercial is, "The Community Commercial zone is intended primarily to accommodate community retail, service and office facilities offering a greater variety than would normally be found in a neighborhood or convenience retail development. Facilities within the classification will generally serve the community, and is commensurate with the purchasing power and needs of the present and potential population within the trade area. It is intended that these business facilities be provided in business corridors or in islands (thirty (30) acres) centrally located in the trade area rather than a strip development along arterials."

The planning staff is forwarding a recommendation of denial on this application. Staff finds that Community Commercial zoning in an area that is zoned residential does not fit with the character of this area and does not support the most appropriate use of the land. Staff has based this finding on the 12 criteria for zone changes discussed below and on the Heights Neighborhood Plan.

The Heights Neighborhood Plan through community meetings and surveys has developed a plan that identifies the type of commercial development desired in residential neighborhoods. The Heights Plan states that high intense commercial development should be prohibited in residential areas. Residents support less intensive commercial developments on arterial intersections in residential neighborhoods. This less intense commercial development would include Residential Professional and Neighborhood Commercial. As part of this plan development, residents drafted a preferred future land use map. The subject property is located at two primary arterials within an area identified by residents as a mixed-use development. This mixed-use area would include high density residential and light commercial retail.

RECOMMENDATION

Denial

Discussion:

Commissioner Littler asked about the residential and the warehouse to the north of the property.

Ms. Mattox stated that the warehouse was allowed a special review use of the property.

Commissioner Hurdle asked what multi-family is in the area.

Ms. Mattox stated that

Commissioner Hurdle asked the difference between Neighborhood Commercial and CC.

Ms. Mattox stated that NC allows less intense use but CC allows casinos and bars.

Commissioner Littler asked if NC would allow a convenience store however if it is larger than 3,000 sq feet.

Chairman Heinrich asked if there was anyone in attendance wishing to speak in favor of or in opposition to Zone Change #584.

Proponents:

Frank Greip 633 O'Mally- owned the property for 20 years. He stated that they also live in the area and stated that the concerns of the neighbors are important to them. He stated that the neighborhood will be changed with the bench connection. He stated that they are developing this property to help the neighborhood. He stated that he feels that the properties north of the property are much more commercial than residential. He stated that he feels that they will not become residential. He stated that they would like CC and is willing to put whatever restrictions that should help but he feels that the CC will allow them to use the land to its best use. He stated that they are planning to develop the property to the best use of this property. Stated he will take questions.

Steve Kenny 2237 S 45th St West- stated that the main Gainannes operation is just north of this property; he stated it has been there for 20 years. He stated that there are 4 units that are rented by the Graininess group. He stated that the property in the area will probably be used as commercial for the foreseeable future. He stated that the use that they are proposing will be very consistent with what is currently in the area. He stated that the housing in the area is all multi-family. He stated that next to the single family property they would be happy to add green space to help buffer the single family from the CC. He stated that there is a vacant lot next to the property as well. He stated that if CC is out of the question, they would consider NC if that is what the board believes the best. He stated that they have not been in negotiation with C-stores or casinos right now and they have no plan with a specific use for this property right now. He stated that NC commercial will limit the potential clients for this property. He stated that the owner will remain the same and he will continue to be the good neighbor as he has been. He stated that they have no plans to develop this property in ways that would aggravate the neighbors. He stated that he feels that with the Bench connection this area will change and he feels they will have much higher traffic.

Commissioner Cook arrived 4:25

Proponents:

Mick Gananna- stated that there main retail is north of the subject property and have been there for 20 years. He stated that they are a low impact business. He stated that they use the property north of the subject property where they grow lots of plants for there business. He stated that they do not use this property for that much anymore and they are planning on changing the use. He stated that with the expansion of Bench he believes that they may change that property to retail. He stated that with the continued growth of the area this will continue to become more retail in the future and he is in favor of this change.

Opponents:

Kirk Hansen -740 Conway stated that he is not against development in the area. He stated that while he doesn't have a problem with development in this area but he doesn't want a high commercial use in this area. He stated that he is concerned that a convenience store will have a negative impact on the neighborhood. He stated that he doesn't want the neigh

Jeff Miller 741 Conway- he stated that he is concerned that they will be having 24 hour traffic in the area. He stated that a convenience store will have a negative impact because bad people shop at convenience stores and he doesn't want one across from his house.

Rebuttal:

Steve stated that they are not in negotiations with convenience stores at this point because of problems with the intersection. He stated that they can not put up a fence or a berm because of the intersection. He stated that they are really not planning on putting a store but more like a flex building with neighborhood shops that would be helpful for the area. He stated that they would be happy to have a meeting with the neighborhood.

Chairman Heinrich asked if they are willing to have the meeting with the neighborhood and table this for a month.

Mr. Greip stated he had no problem with that.

Discussion:

Commissioner Hurdle stated that she has a concern that the commission will be considering this only on the basis of the use of this land as based on the use from the owner and agent.

Commissioner Littler stated that he is concerned about the Heights Neighborhood Plan and the fact that they would discourage commercial use for residential and the fact that this sits at two major arterials. He stated that he doesn't see any harm in the neighborhood and the agent and applicant meeting. However, he stated that they must consider all uses allowed under the zoning.

Chairman Heinrich asked if they must abide by the Heights Plan since it is in draft form.

Commissioner Hurdle stated that she feels that this should be denied out right and have the applicant reapply under NC.

Commissioner Littler stated that he feels that the residents should be supplied a list of what could be allowed on the corner of this intersection. He believes that a dialogue would be the helpful. He stated that as the intersection develops this decision will have an impact on the intersection in this area.

Motion:

On a motion by Commissioner Cook, seconded by Commissioner Littler and approved by a 4-1 with Commissioner Hurdle voting against, the motion to table the Zone Change till November 7, 2005 was approved.

Item 2: Zone Change # 585

Ms. Wilson read the legal description and reviewed the staff report with an overhead PowerPoint presentation for the audience and reviewed the surrounding properties while explaining the existing zoning of the subject property. She said staff is forwarding a recommendation of approval. She explained the reasons for the staff decision.

REQUEST

This is a zone change request from Agricultural Open Space to Residential-15000 on the 69.05-acre Tract 1 of Certificate of Survey 3241. The property is located at Central Avenue, east of 52nd Street West. The Planning staff is forwarding a recommendation of approval for this application.

APPLICATION DATA

OWNER: Todd E. Brown
APPLICANT: Todd E. Brown

LEGAL DESCRIPTION: Tract 1 of Certificate of Survey 3241
 ADDRESS: Central Avenue, east of 52nd Street West
 CURRENT ZONING: Agricultural Open Space
 PROPOSED ZONING: Residential-15000
EXISTING LAND USE: Agricultural
 SIZE OF PARCEL: 69.05 acres

APPLICABLE ZONING HISTORY

August 28, 1979: A zone change request from Agricultural Open Space to Residential 15,000 was approved for a 160-acre property, including parts of C/S 1940 Tract 1 and 2, north of the subject property across Central Avenue and stretching to Broadwater Avenue. The property is now the Wells Garden Estates Subdivision.

August 17, 1982: A zone change request from Agricultural Open Space to Residential 15,000 was approved on Tract 3 of Amended Tract 2A, Certificate of Survey 983. The property is located east of the subject property off 48th Street West on Georgina Drive.

September 29, 1992: A zone change request from Agricultural Open Space to Agricultural Suburban was approved on Tract 1B2 of Amended 1374 south of the subject property on King Avenue West. The land has since been developed as the C & J West Subdivision.

CONCURRENT APPLICATIONS

None

SURROUNDING LAND USE & ZONING

NORTH: Zoning: Residential-9600
 Land Use: Large lot, residential development

SOUTH: Zoning: Agricultural Open Space
 Land Use: Agricultural land

EAST: Zoning: Agricultural Open Space
 Land Use: Agricultural land

WEST: Zoning: Agricultural Open Space
 Land Use: Agricultural land

REASONS

This is a zone change from Agricultural Open Space to Residential-15000 on 69.05 acres of land located at Central Avenue, east of 52nd Street West. The purpose of the zoning request is to allow the applicants to create 20,000-square foot single-family residences, yet not significantly affect the agricultural activities of the surrounding area. This residence is accessed from a road easement on the subject property.

Residential-15000 zoning is fairly restrictive as to the uses it allows outright. It is a County zoning district intended to provide for low density, single-family residential developments in areas which may or may not be serviced by a public water and/or sewer system. This zoning district allows uses including amateur radio antenna support structures and specific alternative antenna support structures, family day care and group day care homes, community residential facilities serving eight (8) or fewer people on a 24-hour basis, home occupation businesses, domestic greenhouses and non-commercial kennels, and private stables. It also allows single-family dwellings, modular homes, Class A manufactured homes, and Modular Homes. However, other uses in the Residential-15000 district are allowed only through the Special Review process. For example, day care centers, places of worship, commercial campground, bed and breakfasts, community residential facilities serving nine (9) or more persons, orphanages, nursing or retirement homes, or commercial green houses, cemeteries, are subject to Special Review in Residential-15000. Manufactured home parks, libraries, museums, and art galleries, commercial recreation, rehabilitative centers, preschools, and veterinary clinics for boarding and outpatient are also subject to Special Review in this zoning district. The Zoning Commission must evaluate the zone change request based on the 12 criteria for zone changes in state law.

The planning staff is forwarding a recommendation of approval on this application. Staff finds that Residential 15000 zoning would be appropriate on this property considering the Residential-15000 zoning that exists to the north of the property and the residential uses of property in the area. Staff has based this finding on the 12 criteria for zone changes discussed below.

RECOMMENDATION

Approval

Discussion:

Commissioner Cook asked if this property is in conjunction with the west end plan and the block structure that is outlined in that area.

Ms. Cromwell stated that this is outlined as residential in the West End Plan.

Commissioner Cook asked if it does fit into the plan.

Ms. Cromwell stated this does.

Commissioner Littler asked what this borders.

Ms. Cromwell stated that it borders Ag-Open land.

Commissioner Cook asked about the DEQ regulations regarding the water table in the area.

Ms. Wilson stated that it is.

Chairman Heinrich asked if there was anyone in attendance wishing to speak in favor of or in opposition to Zone Change #585.

The public hearing was opened at 4:56 p.m.

Applicant:

Cavin Noddings 1300 N Transtech Way- asks for commission to concur with staff. He stated that they are planning 20, 000 sq ft lots min. He stated that they would have central water and individual septic. He stated that this would fit the 2-4% growth in the Billings area and this will fill a niche. He stated that the larger lots will fit well in the area. He stated that they are planning on putting as many lots a possible to keep prices down and will fit in with other subdivisions in the areas.

Proponent:

Dan Well 4241 Ceder Wood Lane, developer of this project. Stated that they tried to fit in to the West End Plan and spoke with the planning department. They were told that this zoning would be right for the area and would be the highest allowable density. He stated that there are no plans from the city to allow for public services in the next 10 years. He stated that they have many subdivisions in this area with the 20,000 sq ft lots. He stated that they have other subdivisions in the area without city services and that keeps the price down. He stated that he would like the commission to support the staff and they feel this is a good fit.

Chairman Heinrich asked if there was anyone else in attendance wishing to speak in favor of or in opposition to Zone Change #585.

Opponents:

William C. Lackman 637 56th St W, borders the property to the west and he is concerned about what kind of effect this will have on his business and he is worried that this will affect his land and his wells.

Dan Lackman, 5100 Central Ave- he stated that he doesn't have anything problem with development in this area. He stated that he has water problems with the Well's Garden subdivisions. He stated that he would like to see county parks finished in the area. He stated that he is also concerned about having new wells in the area. He worries about having a problem and he would like to see city services come out to this area because he is concerned about having troubles with there water table. He stated he is also concerned about having many septic systems in the county as well. He stated that he understands that the property owners would like to sell and he understands that. He stated he would like to see something that would protect the children from the ditches and the ditches from the children.

Commissioner Cook asked about water concerns and if Mr. Lackman had seen any difference in his water since the development in the area.

Mr. Lackman stated that he had not.

Rebuttal:

Dan Wells, stated that he appreciates the concerns of the Lackman family and he believes that there is a good common ground for both. He stated that this is the best use of the land for the

owners. He stated that the property would be worth more with city services but that is 6-10 years down the road. He believes that they will be there at some point in the future but not at this point. He stated that they are able to serve 82 lots with only 2 wells. He stated that they also must have approval to have the wells and to do that they will be unable to alter the water table. He stated that the water table sits at about 8 feet at this point. He stated that there is a large amount of water available and they DNRC is happier with community water systems because then less water is used. He stated that the water table will not change drastically by the wells they are planning to put in to the area. He stated that this will be highly regulated in there use of water and DEQ will monitor the ground water quality. He stated that the ditches will be there and he feels that the idea of building the parks is a good idea. He stated that they would like to give cash-in-lieu of parkland for this subdivision. He stated that he think the concrete fence might keep children out of the ditch but he feels they are not the best. He stated that the use of septic systems are also highly regulated. Commissioner Hurdle asked when this land was purchased. Dan stated that the land was purchased in July of this year.

The public hearing was closed at 5:25 p.m.

Discussion:

Chairman Heinrich asked if there was anything that could be done about the ditch. Ms. Cromwell stated that it would be taken care of during the subdivision process and they could put conditions on the subdivision to care for the ditch.

Commissioner Hurdle asked how the developers plan to subdivide.

Dan stated that they plan to subdivide in one area.

Commissioner Hurdle asked how much water each well will product.

Dan stated that he believes that each well will

Commissioner Hurdle stated that she feels that this is sprawl.

Commissioner Musselman stated that he is concerned that at some point they will have problems with the cow smell.

Commissioner Littler stated that in the West End plan this is a transition area. He stated developing 1/2 acre lots is good since they will have city services at some point and they are better served by city services. He feels that this development is inevitable in this area and he feels that these lots will fill a need.

Motion:

On a motion by Commissioner Littler, seconded by Commissioner Cook, and passed by a 4-1 voice vote the Zoning Commission will forward a recommendation of approval to the BOCC on their meeting of November 22, 2005.

Item 3: Special Review # 300:

Ms. Cromwell read the legal description and reviewed the staff report with an overhead PowerPoint presentation for the audience and reviewed the surrounding properties while explaining the existing zoning of the subject property..

REQUEST

This is a special review request to operate a powder coating business in a new building in a Controlled Industrial zone at 137 Sugar Avenue. The property located on Certificate of Survey 163, Tracts C, D & E Clark Subdivision. Planning staff is recommending conditional approval of this application.

APPLICATION DATA

| | |
|--------------------|--|
| OWNER: | Al Blaine, Southwood Apartments, Partnership |
| APPLICANT: | Bosco Enterprises, LLC. DBA Bosco Pure Powder |
| LEGAL DESCRIPTION: | Certificate of Survey 163, Tracts C, D & E Clark Subdivision |
| ADDRESS: | 137 Sugar Avenue |
| CURRENT ZONING: | Controlled Industrial |
| PROPOSED ZONING: | Controlled Industrial |
| EXISTING LAND USE: | 1 existing vacant building |
| SIZE OF PARCEL: | 2.88 acres |

CONCURRENT APPLICATIONS

None

SURROUNDING LAND USE & ZONING

| | | |
|--------|-----------|---------------------------|
| NORTH: | Zoning: | Controlled Industrial |
| | Land Use: | Vacant |
| SOUTH: | Zoning: | Controlled Industrial |
| | Land Use: | Pacific Steel & Recycling |
| EAST: | Zoning: | Controlled Industrial |
| | Land Use: | Single Family Residence |
| WEST: | Zoning: | Heavy Industrial |
| | Land Use: | Western Sugar Company |

REASONS

This is a special review request to operate a powder coating business in Sugar Avenue Industrial Park zoned Controlled Industrial on Certificate of Survey 163, Tracts C, D & E Clark Subdivision. The property is located at 137 Sugar Avenue. The property is zoned Controlled Industrial and is bordered on the north, east and south by Controlled Industrial and west by Heavy Industrial. To the southeast of this property is Residential Manufactured Home zoning. Existing businesses in this area include Western Sugar Company and Pacific Steel & Recycling. The applicant would like to relocate to the Sugar Avenue Industrial Park to allow for increasing business and space needs. The newly constructed building within this industrial park is the first constructed and will allow the business six times their current space.

The powder coating process uses electrically charges paint powder to a grounded surface, but is classified the same as a business that uses liquid paint. The exhaust system is fully self-contained within the building; no materials are vented to the outside.

The Planning Department reviewed this application and recommends conditional approval. Staff felt that this use was compatible with the surrounding zoning and uses. This use will not have the same type of detrimental effect on the surrounding uses as a traditional “paint shop” may have. In addition, because this specific type of business is self-contained and non-polluting, staff felt that this use was appropriate for this location.

This business is exempt from Chapter 27-1100 Landscaping by definition in Section 27-1102 C (b). The site plan meets parking requirements.

The Yellowstone City-County Health Department did submit a comment regarding this development, “Opening this business in an existing building may require the construction of an on-site wastewater system. This area has a known high seasonal groundwater table. Water monitoring to determine the groundwater depth will have to be done during the seasonal groundwater high time of year. This may delay this construction until August or September 2006.”

RECOMMENDATION

The Planning Department recommends conditional approval.

CONDITIONS

1. The special review approval shall be limited to Building #1, Certificate of Survey 163, Tracts C, D, & E, Clark Subdivision, 137 Sugar Avenue.
2. The applicant shall comply with all other requirements of Section 27-613.C. of the BMCC limiting the floor area, maximum occupancy and increases in parking spaces for this application.
3. Opening this business in an existing building may require the construction of an on-site wastewater system. This area has a known high seasonal groundwater table. Water monitoring to determine the groundwater depth will have to be done during the seasonal groundwater high time of year.

Discussion:

Chairman Heinrich asked if there was anyone in attendance wishing to speak in favor of or in opposition to Special Review # 300.

The public hearing was opened at 5:13p.m.

Applicant:

Peirre Lave 2031 Parkhill- stated he would answer questions about powder coating.

Commissioner Hurdle asked if they could improve the road.

He stated that they do not have hardly any traffic from walk in customers. He stated that they pick up most of there materials.

Chairman Heinrich asked for a primer on powder coating.

He stated that this is an environmentally friendly way to paint metal and it is more industrial than painted materials. He stated there is no mess and no dripping. After it is charged it is heated for 40 minutes and then ready to use.

Commissioner Hurdle asked if they sand blast in that area.

He stated that they do not.

Commissioner Musselman asked how much wastewater they will be producing.

He stated that they try be very environmentally friendly. He stated that they do not use water in the cooling process.

Al Blaine 3150 Lupine- owner- stated that they are working with DEQ to be sure that the wastewater system is acceptable and he feels that this is a good fit.

Commissioner Littler asked if they are monitoring the water.

He stated that they are watching the ground water and testing it.

Chairman Heinrich asked if DEQ will have a condition on this.

Chairman Heinrich asked if there was anyone else in attendance wishing to speak in favor of or in opposition to Special Review # 300.

Opponents:

The public hearing was closed at 5:54 p.m.

Discussion:

Commissioner Hurdle stated that she would like to see the BOCC to improve Sugar Ave and add a shoulder.

Commissioner Littler stated that he thinks that the Sugar Ave should be a different recommendation altogether.

Motion:

On a motion by Commissioner Littler, seconded by Commissioner Musselman and passed with a 5-0 voice vote the Zoning Commission will forward a recommendation of approval to the BOCC on their meeting of November 22, 2005 with the following conditions:

1. The special review approval shall be limited to Building #1, Certificate of Survey 163, Tracts C, D, & E, Clark Subdivision, 137 Sugar Avenue.
2. The applicant shall comply with all other requirements of Section 27-613.C. of the BMCC limiting the floor area, maximum occupancy and increases in parking spaces for this application.

3. Opening this business in an existing building may require the construction of an on-site wastewater system. This area has a known high seasonal groundwater table. Water monitoring to determine the groundwater depth will have to be done during the seasonal groundwater high time of year.

The Public portion of the meeting ended at 5:57.

Other Business:

Commissioner Hurdle will draft a letter to the BOCC about improvements to Sugar Ave. Chairman Heinrich would like information from the commissioners about 12 criteria. He would like information on text amendments and moving public comment.

Adjournment:

The meeting was adjourned at 5:59 p.m.

Oscar Heinrich, Chairman

ATTEST:

Elizabeth Allen, Planning Clerk